



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,763	03/02/2000	THOMAS KNEIDEL	C-3717	4545

2292 7590 01/08/2004

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

LIN, KENNY S

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 01/08/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/486,763

Applicant(s)

KNEIDEL, THOMAS

Examiner

Kenny Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 2-8 are presented for examination.

2.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau et al (hereinafter Dureau), US 6,118,472, in view of Gavilan et al (hereinafter Gavilan), Usage of VSAT for TCP/IP based LAN Interconnection, IEEE 1995.

5. Dureau was cited in the previous office action. Gavilan was an applicant admitted prior art cited by the applicant in paper number 4.

6. As per claim 2, Dureau taught the invention substantially as claimed including a system for transmitting data to computers of requesting users over a wideband satellite transmission channel (col.2, lines 27-32, 41-51, col.3, lines 51-56, col.4, lines 40-49), wherein

Art Unit: 2154

- a. for requesting the data, the users are connected to a base station (col.3, lines 51-53, col.4, lines 10-14, 28-30) that is connected to the Internet (col.4, lines 28-30, 35-37, 40-41);
- b. the requested information is sent to a mailbox in the Internet for the users (col.7, lines 1-7);
- c. the users can download the sent information over said wideband satellite transmission channel onto their computers (col.2, lines 41-51, col.4, lines 48-50, col.5, lines 63-67, col.6, lines 1-2).

7. Dureau did not specifically teach that the Internet is connected via a shortwave radio path for transmitting data according to the TCP/IP protocol; and that the users are notified about the sent information via said shortwave radio path. However, Gavilan taught to interconnect TCP/IP protocol networks via radio path such as broadcasting (Introduction, Conclusions, Electronic mail). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dureau and Gavilan because Gavilan's teachings of interconnecting TCP/IP based networks with radio path suggests Dureau's system to connect non-Internet enabled networks to Internet enabled networks using broadcasting, radio or satellite for communication.

8. As per claim 3, Dureau taught the invention substantially as claimed including a data transmission system comprising:

- a. A plurality of user terminals for receiving and requesting data (col.3, lines 51-53, col.4, lines 10-14, 28-30);
- b. A base station for receiving a data request from the plurality of user terminals (col.3, lines 51-53, col.4, lines 10-14, 28-30); and
- c. A satellite transmission path for providing the plurality of user terminals with the requested data (col.2, lines 41-51, col.4, lines 48-50, col.5, lines 63-67, col.6, lines 1-2).

9. Dureau did not specifically teach that the base station receiving the data request by shortwave transmission according to a protocol specific for data transmission. However, Gavilan taught to communicate TCP/IP protocol networks via radio path such as broadcasting (Introduction, Conclusions, Electronic mail). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dureau and Gavilan because Gavilan's teachings of interconnecting protocol based networks with radio path enables Dureau's system to communicate using broadcasting, radio or satellite.

10. As per claim 4, Dureau and Gavilan taught the invention substantially as claimed in claim 3. Gavilan further taught that wherein the protocol specific for data transmission is based on TCP/IP (Introduction).

11. As per claim 5, Dureau and Gavilan taught the invention substantially as claimed in claim 3. Dureau further taught that wherein the plurality of user terminals receive and request data from the Internet (col.4, lines 28-30, 35-37, 40-41).

12. As per claim 6, Dureau and Gavilan taught the invention substantially as claimed in claim 3. Dureau and Gavilan did not specifically teach wherein the base station transmits information by shortwave transmission to the plurality of user terminals for acknowledging that the requested data is available for receipt via the satellite transmission path. However, it would have been obvious to notify the user terminal that the requested data is ready for transmitting in order for the user terminal to start the transmission. It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable Dureau and Gavilan's system to notify the user terminals that the requested data is ready in order for the user terminal to trigger transmission.

13. As per claim 7, Dureau taught the invention substantially as claimed including a system for transmission of data to requesting users over a wideband satellite transmission channel wherein,

- a. For requesting the data, the users are connected to a base station (col.3, lines 51-53, col.4, lines 10-14, 28-30) via a shortwave radio path for transmitting data according to the TCP/IP protocol.

Art Unit: 2154

14. Dureau did not specifically teach that the base station is connected via a shortwave radio path for transmitting data according to the TCP/IP protocol. However, Gavilan taught to interconnect TCP/IP protocol networks via radio path such as broadcasting (Introduction, Conclusions, Electronic mail). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dureau and Gavilan because Gavilan's teachings of interconnecting TCP/IP based networks with radio path suggests Dureau's system to connect and communicate networks using broadcasting, radio or satellite including data transmission.

15. As per claim 8, Dureau and Gavilan taught the invention substantially as claimed in claim 2. Dureau further taught that wherein the data that is transmitted is Internet-Information (col.5, lines 41-45, 53-59).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zuliani et al, WO 97/35432.

17. Applicant's arguments with respect to claim 7, filed 7/16/2003, have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2154

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (703)305-0438. The examiner can normally be reached on 8 AM to 5 PM Tuesday to Friday and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. Additionally, the fax numbers for Group 2100 are as follows:

Official Responses: (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-6121.

ksl
December 30, 2003



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100